

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Ronald C. Grumbkow,)	
)	
Plaintiff)	
)	
v.)	C.A. No. 06-489 (JJF)
)	
The Walt Disney Company,)	
George J. Mitchell,)	
Chairman of the Board &)	
Robert A. Iger,)	
President/Chief Executive Officer)	
& Jeffrey Ruthizer,)	
Vice-President/ABC Group)	

**DEFENDANTS' SUPPLEMENTAL STATEMENT, IN LIEU OF REPLY BRIEF,
IN FURTHER SUPPORT OF ITS MOTION TO DISMISS**

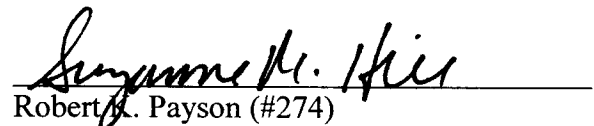
Defendants The Walt Disney Company, George J. Mitchell, Robert A. Iger, and Jeffrey Ruthizer (collectively, "Defendants") filed their Motion to Dismiss, together with a Memorandum of Law in support of the Motion to Dismiss, on September 11, 2006 (collectively referred to as the "Motion to Dismiss"). (D.I. 7, 8) In the Motion to Dismiss, Defendants argued that the Plaintiff's complaint should be dismissed for failure to state a claim upon which relief can be granted, insufficiency of process, insufficiency of service of process, and lack of personal jurisdiction over Messrs. Mitchell, Iger, and Ruthizer.

Pursuant to D. Del. LR 7.1.2(a)(2) and Fed. R. Civ. P. 6(e), Plaintiff was required to respond to the Motion to Dismiss on or before September 28, 2006. On October 2, 2006, Plaintiff filed an untimely response to the Motion to Dismiss. (D.I. 11) Plaintiff's one-sentence response to the Motion to Dismiss completely fails to address the issues raised in the Motion to Dismiss. Specifically, Plaintiff's response fails to state any basis whatsoever to deny the Motion to Dismiss, fails to shed any further light on his allegations against Defendants, and fails to

request leave to file an amended complaint in lieu of dismissal. Instead of responding to the arguments contained in the Motion to Dismiss or attempting to clarify his claims, Plaintiff simply makes additional vague and confusing allegations against Defendants.

Therefore, Defendants request that the Court dismiss Plaintiff's complaint with prejudice for the reasons stated in the Motion to Dismiss and the Memorandum of Law in support of the Motion to Dismiss.

POTTER ANDERSON & CORROON LLP

A handwritten signature in cursive script, appearing to read "Suzanne M. Hill", is written over a horizontal line.

Robert K. Payson (#274)
Suzanne M. Hill (#4414)
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Dated: October 9, 2006

Attorneys for Defendants

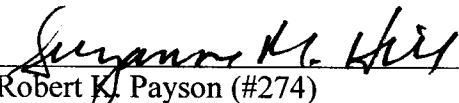
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CERTIFICATE OF SERVICE

I, Suzanne M. Hill, hereby certify that on October 9, 2006, the attached documents were electronically filed with the United States District Court for the District of Delaware via CM/ECF (official Court electronic filing system) and two (2) true and correct copies were mailed via First Class Mail, Postage Prepaid to the following:

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